

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No: 1:23-cr-44

SAMUEL ALEXANDER KUHL,

Defendant.

FIRST APPEARANCE, ARRAIGNMENT, INITIAL PRETRIAL CONFERENCE

DETENTION HEARING, COMPETENCY HEARING

BEFORE THE HONORABLE RAY KENT  
U.S. MAGISTRATE JUDGE

Grand Rapids, Michigan  
February 12, 2025

APPEARANCES:

For the Plaintiff: MR. TIMOTHY P. VERHEY  
U.S. Attorney  
330 Ionia Avenue, N.W., Suite 501  
Grand Rapids, Michigan 49503-2580  
(616) 456-2404

For the Defendant: MR. SCOTT G. GRAHAM  
Scott Graham, PLLC  
1911 West Centre Avenue, Suite C  
Portage, Michigan 49024-5399  
(269) 327-0585

TRANSCRIBED BY: Lauret J. Henry, CSR-6469, RPR  
Federal Official Court Reporter  
410 West Michigan, Suite 137  
Kalamazoo, MI 49007  
(269) 720-9529

1 Grand Rapids, MI  
2 February 12, 2025  
3 10:40 a.m.

4 PROCEEDINGS

5 THE CLERK: The United States District Court for the  
6 Western District of Michigan is now in session. The Honorable  
7 Ray Kent, United States Magistrate Judge, presiding. You may  
8 be seated.

9 THE COURT: This is 23-cr-44, United States versus  
10 Samuel Kuhl. Mr. VerHey on behalf of the United States.  
11 Mr. Graham on behalf of Mr. Kuhl. We were last together on  
12 January 13. At that time, we had scheduled a competency  
13 hearing, an initial appearance, arraignment, initial pretrial  
14 conference, and bond hearings. We did not get through the  
15 competency hearing proceeding. Mr. Graham requested a 30-day  
16 adjournment to explore possibly a second competency opinion  
17 and to review other -- other matters, other strategies. So  
18 here we are. We're back together.

19 Mr. Graham, I guess, well, I'll ask you where we stand.

20 MR. GRAHAM: Thank you, Your Honor. First, Your  
21 Honor, I apologize for being late.

22 THE COURT: No need. Life happens. No problem.

23 MR. GRAHAM: Since we were last here, Your Honor,  
24 I've had a chance to review a variety of materials. I've had  
25 a chance to consult with a -- I'll just say an independent

1 expert regarding questions of competency and had a chance to  
2 discuss with that person the -- essentially the restoration  
3 report, if you will, that has been provided to the Court.

4 As of today, I believe the Court accepted the report as  
5 something being admitted before we -- before we broke up at  
6 the last hearing. And from my perspective, it's fine for the  
7 Court to consider that and we are not -- I indicated at the  
8 last hearing that I had concerns about the nature of the  
9 restoration report because it was essentially based on a  
10 failure to participate. Those concerns have been alleviated  
11 by what has happened since we were here, and I'm ready for the  
12 Court to rely upon that report in determining ultimately the  
13 restoration issue that is before the Court.

14 I would be remiss if I did not acknowledge that Mr. Kuhl  
15 has serious concerns about the posture of the matter and my  
16 approach to the matter, and I would indicate for the Court  
17 that this is what my thinking is: Perhaps I'm laying bare my  
18 own ineffectiveness, but Mr. Kuhl has a concern that there's  
19 been a speedy trial violation because, in fact, he was not  
20 transported and evaluated within the time period described by  
21 statute.

22 I think the Court is aware that last year, I think in  
23 October, the Sixth Circuit decided a case that not only came  
24 out of this district but came out of Judge Beckering's  
25 courtroom in which the Court looked at that statute and then a

1 different portion of the statute that said everything that  
2 happens after a finding of incompetence, all the time involved  
3 is excluded from the speedy trial calculation. I think the  
4 Sixth Circuit was, the way I read the opinion, less than  
5 thrilled with the fact this can happen, but nothing it could  
6 do about it. So the Sixth Circuit has five months ago, four  
7 months ago, very clearly indicated that this time after a  
8 finding of incompetency should be excluded from the  
9 calculation.

10 Now, I believe that it might be appropriate to preserve  
11 the speedy trial issue in case there's ever a change. This is  
12 a decision that I don't think had -- I don't think there are  
13 prior Sixth Circuit decisions that say that. I think the  
14 other circuits that have decided the question are in agreement  
15 with the Sixth Circuit. But my point is if there is a  
16 violation, that violation can be raised in the district court  
17 in terms of a speedy trial violation.

18 Mr. Kuhl and I disagree on that. He thinks it should be  
19 raised and decided here. I believe it's a matter for the  
20 district court.

21 So with those things being said, I'm ready to proceed as  
22 I've described.

23 THE COURT: Okay. Mr. Kuhl has a question, I think,  
24 and I'll get to that in a moment. So you won't be presenting  
25 evidence which contradicts the conclusion that Mr. Kuhl's

1 competency has been restored?

2 MR. GRAHAM: That is correct, Your Honor.

3 THE COURT: Okay. All right. To your point about  
4 where the question of a speedy trial violation must be  
5 resolved is correct. I lack the authority, the statutory  
6 authority, to make that decision because that would be a  
7 dispositive issue, potentially, if a judge, me or -- I can't,  
8 but if Judge Beckering were to rule that there had been a  
9 speedy trial violation, it could result in dismissal of the  
10 charges. That means it disposes of the case. I don't have in  
11 a felony case the authority to make a dispositive decision, so  
12 that motion would have to be filed before Judge Beckering.

13 Very briefly, Mr. Kuhl.

14 THE DEFENDANT: I'd like to address first and  
15 foremost that I'm completely aware that you do have the  
16 authority, however, to make a report and recommendation, and  
17 if the issue was raised, that one issue, which is only one of  
18 several that I have addressed with Mr. Graham, and he  
19 constantly beats around the speedy trial, there are two speedy  
20 trial issues here. There's one of the Speedy Trial Act, and  
21 there's one of the constitutional right.

22 THE COURT: Before we get to the substance of your  
23 potential motion, let me say that you are correct, Judge  
24 Beckering could refer the motion to me for report and  
25 recommendation, but I can't -- I can't take the motion on my

1 own. It would have to be filed with her, and then she would  
2 make the decision of whether she's going to decide it herself  
3 or whether she would refer it to me for preparation of a  
4 report and recommendation.

5 THE DEFENDANT: Filing it is just filing it, putting  
6 it on the docket. It obviously can be raised at any time.  
7 And it's not the only issue here. There's an issue of --  
8 of -- of the time limit. Of IDRA itself. There's a  
9 four-month limit.

10 THE COURT: Okay. Well, and those, as I say, are  
11 issues for Judge Beckering.

12 THE DEFENDANT: There's an issue of abstention here  
13 which should have been raised the first day I was brought in  
14 this federal courtroom. I knew that wasn't going to happen.  
15 We all know it's not going to happen. We know what's really  
16 going on here. Everyone knows it's true. It's clear as day.  
17 It can be seen. Everything, from what's happened in my family  
18 to what's going on in the world. You know, I'm only speaking  
19 the truth.

20 THE COURT: Okay.

21 THE DEFENDANT: So there it is, you know. You have  
22 got -- you have got -- what is the rule of abstention?

23 THE COURT: Well, we're not -- abstention isn't even  
24 an issue before me today, Mr. Kuhl.

25 THE DEFENDANT: Exactly.

1 THE COURT: And it's --

2 THE DEFENDANT: It's an issue with Mr. Graham here,  
3 sir.

4 THE COURT: -- an issue for Judge Beckering.

5 THE DEFENDANT: And they're secretly trading secrets  
6 with each other without informing me fully of the discovery.  
7 There's also an issue of the IDRA, as I said, a 4241(d),  
8 there's a four-month time limit. This report is submitted in  
9 violation of that. It's a violation of the complete procedure  
10 that bases this thing.

11 THE COURT: It seems to me, again, that would --  
12 might be part of a motion alleging speedy trial violation.

13 THE DEFENDANT: Because --

14 THE COURT: Brought before Judge Beckering.

15 THE DEFENDANT: The speedy trial specifically,  
16 looking at United States versus Robert Truman Baker of 1986  
17 which is a Sixth Circuit case.

18 THE COURT: I'm not going to do that today,  
19 Mr. Kuhl.

20 THE DEFENDANT: Which is a Sixth Circuit case. Just  
21 let me please speak, Your Honor.

22 THE COURT: Mr. Kuhl, I'm not going to let you  
23 speak.

24 THE DEFENDANT: Because what I say is true.

25 THE COURT: No, because I have not yet even found

1       you competent, Number 1, and --

2               THE DEFENDANT: Incompetent (unintelligible) --

3               THE COURT: And second --

4               THE DEFENDANT: -- can speak on the laws that I'm  
5       able to speak on as well as I can, sir.

6               THE COURT: And second you have a lawyer,  
7       Mr. Graham.

8               THE DEFENDANT: He's not -- he might as well stand  
9       over there with them. You guys can all get up there together  
10      with each other.

11              THE COURT: All right.

12              THE DEFENDANT: We'll make it a circus, right? I  
13      know you guys are against me. It's clear as day. The CPS --  
14      everybody's been against my family since the beginning.

15              THE COURT: We're not against you. I certainly am  
16      not against you. Mr. Graham is for you. He's your advocate.

17              THE DEFENDANT: My advocate. He can't even speak.  
18      He keeps going to a speedy trial argument that he knows has  
19      already been ruled on. That specifically was originally 2022  
20      brought in front of Judge Green that said it was a speedy  
21      trial argument, but Judge Beckering overturned that report and  
22      recommendation and said, no, there's not a speedy trial  
23      argument, and apparently went to the Sixth Circuit and they  
24      decided it; however, that's not addressing any of the other  
25      issues that I have in this matter.



1 THE COURT: Mr. Kuhl, I mean, if you want to move  
2 your case forward, you have to stop talking and let me make a  
3 decision on the competency issue. Then assuming I find you  
4 competent, we'll move on to those hearings which happen in  
5 every single criminal case, including the initial appearance  
6 and arraignment, pretrial conference, and bond hearings. So  
7 if you want to move your case forward, you got to let me do  
8 it.

9 THE DEFENDANT: You don't realize the things that  
10 have happened here. And I am being stripped of my right to  
11 raise those issues. And by the time -- they should have been  
12 raised the first day I was in there, but Parker Douglas, he  
13 worked in (unintelligible) I know that you guys are all  
14 probate and court, and everybody's tied all in with the CPS.  
15 It goes to the point it doesn't matter. There is no way to  
16 refute the proof in the pudding, as they say, as it is here  
17 today. There is no way to refute any of it. Any of it at  
18 all.

19 THE COURT: Okay.

20 THE DEFENDANT: It can't be refuted.

21 THE COURT: Mr. Kuhl, I'm going to give you a chance  
22 to stop talking, and then we're going to have to, you know,  
23 follow the procedure we did last time. I don't want to do  
24 that. I want you in court, in person.

25 THE DEFENDANT: You guys don't want to follow any

1 procedures, but I'll go ahead and be quiet and roll over and  
2 just let you screw my life over, how about that? You know,  
3 push me along. You know, I know what's going on here. Come  
4 on.

5 THE COURT: All right. Mr. Graham, anything else  
6 before I --

7 MR. GRAHAM: No, Your Honor.

8 THE COURT: All right. All right. The standard for  
9 competency is whether or not a defendant is suffering from a  
10 mental disease or defect rendering him mentally incompetent to  
11 the extent he is unable to understand the nature and  
12 consequences of the proceedings against him or assist properly  
13 in his defense.

14 The certificate of restoration and accompanying report  
15 offered by Dr. DuBois, he concludes that -- and this is from  
16 Page 19 of 20, Page ID 239 of the report, "My opinion,  
17 Mr. Kuhl is not suffering from a mental disease or defect that  
18 would impair his competency-related abilities." That opinion  
19 is un rebutted. And based upon that, it is my finding that  
20 Mr. Kuhl does, in fact, not suffer from a mental disease or  
21 defect that would impair his competency and that he is, in  
22 fact, competent to proceed in this matter. I accept the  
23 report in its entirety.

24 All right. Moving on, Mr. VerHey, anything else I should  
25 touch upon before we move to the initial appearance?

1 MR. VERHEY: No, sir.

2 THE COURT: Mr. Graham?

3 MR. GRAHAM: No, Your Honor.

4 THE COURT: All right. Mr. Kuhl, have you had the  
5 opportunity to review the indictment?

6 THE DEFENDANT: I can't speak here today, Your  
7 Honor. I ask Mr. Graham.

8 THE COURT: No, you can speak here. I'm asking you  
9 to speak now.

10 THE DEFENDANT: That's fine. I'll remain silent as  
11 is my right.

12 THE COURT: Okay. That's fine. Mr. Kuhl --  
13 Mr. Graham, have you reviewed the indictment with Mr. Kuhl?

14 MR. GRAHAM: Yes, Your Honor.

15 THE COURT: Okay. Mr. Kuhl, in the indictment, the  
16 government is charging you with two crimes, each contained in  
17 a separate numbered count of the indictment.

18 In Count 1, the government charges you with a crime it  
19 calls sexual exploitation of a minor. It claims that between  
20 May 13 and October 31 of 2021, here in the Southern Division  
21 of the Western District of Michigan, you enticed or persuaded  
22 a 15-year-old girl to engage in sexually explicit conduct for  
23 the purpose of filming or taking photographs of that conduct,  
24 which she, I guess, then sent to you on your Samsung and  
25 iPhone cell phones.

1 THE DEFENDANT: Excuse me, Your Honor.

2 THE COURT: Yes.

3 THE DEFENDANT: That is not what the indictment  
4 says. The indictment says that I received and stored. Please  
5 do not assume anything. Speak factually from what it states  
6 on its face within its four corners, please and thank you.

7 THE COURT: All right. In Count 2, the government  
8 charges a crime it calls coercion and enticement and attempted  
9 coercion and enticement. It claims that between May 13 and  
10 October 31 of 2021, again, here in the Southern Division of  
11 the Western District of Michigan, you used cell phones and  
12 Facebook messenger to communicate with minor one, a  
13 15-year-old female, in order to persuade, induce, and entice  
14 her to have sexual intercourse with you, which would  
15 constitute third-degree criminal sexual conduct --

16 THE DEFENDANT: (Unintelligible) Mr. Graham.

17 THE COURT: -- under Michigan law. Do you  
18 understand the two charges?

19 THE DEFENDANT: Yeah. Yeah.

20 THE COURT: There are also forfeiture allegations.  
21 These are claims in which the government asks that when the  
22 case is over, all right, title, and interest be transferred to  
23 it in a Samsung -- I guess that's a phone, Mr. VerHey?

24 MR. VERHEY: That's correct, Your Honor.

25 THE COURT: And also an iPhone.

1 Do you understand the forfeiture claim, Mr. Kuhl?

2 THE DEFENDANT: What's that?

3 THE COURT: Do you understand the forfeiture claim?  
4 Government wants to keep the phones.

5 THE DEFENDANT: Do I understand it, Mr. Graham?

6 MR. GRAHAM: Yeah.

7 THE COURT: All right. If you're convicted on these  
8 charges, there are penalties. On Count 1, the sexual  
9 exploitation of a minor, the penalties include a mandatory  
10 minimum prison term of 15 years, a maximum term of 30 years, a  
11 fine of up to \$250,000, supervised release following prison of  
12 not less than five years and up to lifetime supervision, a  
13 number of special assessments, one in the amount of \$100, a  
14 second in the amount of \$5,000, and a third in any amount up  
15 to \$50,000. If the victim required medical treatment,  
16 psychological counseling, anything of that sort, you could be  
17 ordered to reimburse the cost of that. And finally you will  
18 be required to register as a sex offender.

19 Count 2, the coercion and enticement charge, carries a  
20 mandatory minimum prison term of 10 years, a maximum of life,  
21 again a \$250,000 fine, up to \$250,000 fine, supervised release  
22 of not less than five years and up to life, two special  
23 assessments, one in the amount of \$100, one in the amount of  
24 \$5,000. Again, restitution is possible and you would be  
25 ordered -- you would be registered as a sex offender. Do you

1 understand the maximum penalties, Mr. Kuhl?

2 MR. GRAHAM: Mr. Kuhl indicates he does.

3 THE COURT: Okay. Mr. Kuhl, you have important  
4 constitutional rights in this case. We have talked about a  
5 couple of them before, your right to a lawyer and your right  
6 to remain silent. You have other equally important rights,  
7 including the right to be presumed innocent, to have the  
8 government prove you guilty beyond a reasonable doubt on each  
9 and every element of these two charges. That would occur at a  
10 speedy and public trial before 12 jurors drawn from the  
11 community. At trial, you'd have the right through Mr. Graham  
12 to confront and cross examine the government's witnesses, to  
13 call your own witnesses and have the Court order them to  
14 appear and testify.

15 You'd have the right to present other evidence which you  
16 believe demonstrates you're not guilty of these charges. And  
17 finally, you'd have the right to either take the witness stand  
18 and testify in your own defense or remain silent and not have  
19 your silence used against you in any way.

20 We're going to project up on the screen now a form which  
21 summarizes your constitutional rights. Is that your signature  
22 near the bottom of the form?

23 Mr. Graham, is the form appearing on the screen on your  
24 table?

25 MR. GRAHAM: Yes, Your Honor.

1 THE COURT: Okay. If it's easier, because of the  
2 angle, you can simply look at the screen on your table,  
3 Mr. Kuhl. Is that your signature?

4 THE DEFENDANT: Mr. Parker knows. Why don't you  
5 tell him? (Unintelligible.)

6 THE COURT: Nobody's going to answer except for you,  
7 Mr. Kuhl. The question's to you. Not to anybody else.

8 THE DEFENDANT: I'm remaining silent, Your Honor.

9 THE COURT: It's a pretty simple question. Is that  
10 your signature or not?

11 THE DEFENDANT: Technically that's not even my name,  
12 but we know that. We'll go ahead.

13 THE COURT: Is that a yes?

14 All right. Moving along. Mr. Kuhl, there are four ways  
15 that you can plead to the charges here today. The first way  
16 is not guilty. Second, you could say nothing or stand mute.  
17 Third, you could plead guilty. And fourth, with the consent  
18 of Judge Beckering and the consent of Mr. VerHey, you could  
19 plead something called no contest, which has essentially the  
20 same effect as a guilty plea. Do you understand your four  
21 options?

22 Mr. Kuhl? Do you understand that those are four options  
23 open to you?

24 Mr. Kuhl, you're obviously a smart person.

25 THE DEFENDANT: Smarter than everybody here. It's

1 just dumb that I've put myself in this (unintelligible) all  
2 you people, you know. I should have stayed where I was --  
3 where I at. Should have never ever -- you people -- you drew  
4 out of me. You guys got exactly what you wanted. Yeah. It  
5 was a plot from the beginning, man. You got it. You win.  
6 It's all right.

7 THE COURT: All right. So do you understand your  
8 four options with regard to the plea?

9 MR. GRAHAM: Your Honor, I think from what Mr. Kuhl  
10 told me he understands those four. He thinks that he may have  
11 other options as well.

12 THE COURT: Well, those are the only four available  
13 here today. Mr. Graham, how does Mr. Kuhl plead?

14 MR. GRAHAM: Not guilty as to each count.

15 THE COURT: Thank you. All right, Mr. Kuhl, that  
16 concludes your arraignment and initial appearance. We're  
17 going to turn to the pretrial conference. Mr. Graham filed a  
18 pretrial conference form on your behalf. In that form, he's  
19 asking that if your case goes to trial that it be a trial by  
20 jury, and he's agreed on your behalf to provide --

21 THE DEFENDANT: I want to represent myself, Your  
22 Honor. I'll give everybody here the rodeo they want. Let's  
23 get it on, baby. Come on.

24 THE COURT: If --

25 THE DEFENDANT: I know we got to have a Faretta



1 hearing, sir. Let's get it.

2 THE COURT: If you want to represent yourself, make  
3 a written request. File a written request. I'll allow it to  
4 be filed, even though Mr. Graham is still your lawyer at this  
5 moment. And we'll have a hearing and decide that issue. But  
6 we're not going to do it right now. We're going to  
7 complete --

8 THE DEFENDANT: I'm moving today to have the removal  
9 of counsel, and I'm moving to accede to have counsel removed  
10 from this case.

11 THE COURT: All right. All right. We'll take a  
12 brief adjournment. Mr. Kuhl can go back to the holding cell  
13 while I decide what to do.

14 (Recess from 11:06 a.m. until 11:23 a.m.)

15 THE COURT: All right. We're back on the record.  
16 Mr. Kuhl, to your request, comments before we broke, if you  
17 want to have Mr. Graham dismissed as your attorney and wish to  
18 defend yourself as the case goes forward, please file a  
19 written motion. Judge Beckering will either decide it or  
20 refer it to me for decision and I'll decide it. Today, we're  
21 going to complete the hearings that we have had scheduled  
22 twice now. So we're on the question of the initial pretrial  
23 conference summary statement. Mr. Beckering, any questions  
24 for Mr. Graham? I'm sorry. Beckering, geez. Mr. VerHey?

25 MR. VERHEY: No, Your Honor.

1 THE COURT: All right. Mr. VerHey filed a longer  
2 pretrial form on behalf of the United States. In that form,  
3 he summarizes the evidence the government claims to have  
4 against you. Mr. Graham will be provided copies of the actual  
5 evidence or have the opportunity to review it, and after he  
6 does that I'm sure he'll go through it with you.

7 But this is an overview of the evidence the government  
8 claims it has. It claims to have records of oral statements  
9 made by you on January 29 of 2022 to Michigan State Police.  
10 Evidently that statement was also recorded. A copy of the  
11 recording will be turned over.

12 The government's looked into your prior criminal record  
13 history. They'll turn that over. The government notifies you  
14 of the execution of search warrants, including three state  
15 court search warrants for the search of three cell phones from  
16 October of 2022, and federal warrants for search of a Facebook  
17 account, Mr. VerHey?

18 MR. VERHEY: That's correct, Your Honor.

19 THE COURT: And also cell phone searches. The  
20 government expects to have a written report, computer forensic  
21 report, which would be directed at what evidence, if any, was  
22 found during the search of these digital devices. The  
23 government intends to offer evidence in the form of one text  
24 message which the government claims discloses you attempting  
25 to persuade a second minor female to have sex with you. The

1 government would offer this under Federal Rule of Evidence  
2 404(b), which allows the introduction of evidence other than  
3 evidence directly related to guilt on the charges for a  
4 limited number of purposes and under a limited number of  
5 circumstances. I'm sure Mr. Graham will keep a close eye on  
6 that issue and talk to you about it further.

7 Government is also asking for a jury trial. Finally  
8 there is a plea negotiation you should be aware of if you  
9 intend to have Mr. Graham attempt to negotiate a plea bargain  
10 for you. To ensure that you get maximum benefit from the plea  
11 bargain, it would have to be finalized at least two weeks  
12 prior to the date of the final pretrial conference.  
13 Mr. Graham will keep a close eye on that date and all the  
14 other dates for you, and I'm sure he'll talk to you about  
15 whether or not it makes sense to attempt a plea bargain given  
16 your specific situation.

17 Mr. VerHey, I'm going to give the government the Rule  
18 5(f) notice now. Pursuant to the Due Process Protections Act,  
19 the Court reminds the government of its obligations under the  
20 1963 United States Supreme Court case of Brady versus Maryland  
21 to disclose evidence favorable to the defendant and material  
22 to the defendant's guilt or punishment. The government is  
23 ordered to comply with Brady and its progeny. The failure to  
24 do so in a timely manner may result in consequences, including  
25 dismissal of the indictment or information, exclusion of

1 government evidence or witnesses, adverse instructions,  
2 dismissal of charges, contempt proceedings, sanctions by the  
3 Court, or any other remedy just under the circumstances.

4 Mr. VerHey, does the government commit to honoring its  
5 obligations under Brady and the act?

6 MR. VERHEY: Yes, I do.

7 THE COURT: Thank you.

8 Mr. Kuhl, that concludes -- well, Mr. Graham, I didn't  
9 give you an opportunity whether you have any questions of  
10 Mr. VerHey.

11 MR. GRAHAM: I do not, Your Honor.

12 THE COURT: Okay. That concludes the pretrial  
13 conference then leaving only the question of bond.

14 Mr. VerHey, does the government continue to seek Mr. Kuhl's  
15 detention?

16 MR. VERHEY: We do, Your Honor, and I also note that  
17 there's a valid warrant out of Kalamazoo for him. So if you  
18 for some reason decided that release was appropriate, I don't  
19 think he would actually be released, he'd just be turned over.

20 THE COURT: Transferred to Kalamazoo County?

21 MR. VERHEY: Yes.

22 THE COURT: Okay. Mr. Graham, what's your client's  
23 pleasure with respect to a bond hearing?

24 MR. GRAHAM: Your Honor, can we speak?

25 THE COURT: Yes. Could you put some white noise on?

1 (Pause in the proceedings.)

2 THE COURT: Mr. Graham?

3 MR. GRAHAM: Your Honor, I'm not certain of the  
4 status of any other outstanding warrants. I don't doubt  
5 anything that's been said, but there's also a question of  
6 whether or not there is a Van Buren County warrant. There is  
7 a case in Van Buren County that is essentially based on the  
8 same facts that we have here. I'd like to have a chance to  
9 figure out what the status of those -- of any outstanding  
10 warrants before dealing with detention. I'd like to, if  
11 possible, avoid the need to have to go back to the change of  
12 circumstances if somehow those warrants clear, but I don't  
13 know if there is a way to do that. If there is, then we would  
14 simply be willing to not go forward today with detention. If  
15 that's -- if that's not possible, then I guess we would ask to  
16 have the detention hearing.

17 THE COURT: All right. Is there a time limit on how  
18 long I can adjourn the bond hearing?

19 MR. VERHEY: Statutorily there's three days from his  
20 initial appearance, which is today, essentially, because it  
21 was all in abeyance until today --

22 THE COURT: Yeah.

23 MR. VERHEY: -- for us, and five days for the  
24 defense if they want extra time to prepare for the hearing.

25 MR. GRAHAM: If I -- I guess the question that I'm

1 not sure of an answer to is would that five -- if it was five  
2 days from our perspective, would it be five days in which to  
3 request a detention hearing or actually have the hearing  
4 conducted?

5 THE COURT: I think my reading of it is the hearing  
6 occurs in five days. Mr. VerHey, do you have any position on  
7 that?

8 MR. VERHEY: That's correct.

9 THE COURT: I mean, you could perhaps change my  
10 mind. It's not something, you know, that I've given a lot of  
11 thought to, but my reading of it is the hearing must occur  
12 then within five days.

13 MR. GRAHAM: So then I guess my question is if we  
14 made that request, would it even be possible to squeeze that  
15 in?

16 THE COURT: We'll find time on our docket to see  
17 Mr. Kuhl in five days.

18 MR. GRAHAM: My request then is that -- is that we  
19 be given -- or that detention be continued for the five days.

20 THE COURT: That the hearing be continued for five  
21 days?

22 MR. GRAHAM: Yes, Your Honor.

23 THE COURT: All right. Ms. Glass, do you have  
24 access to a calendar we could look at? Those are business  
25 days?

1 MR. VERHEY: Yes.

2 THE CLERK: Your Honor, we have February 19 at  
3 10 o'clock.

4 MR. GRAHAM: That would work for me.

5 MR. VERHEY: That's fine with me, Your Honor.

6 THE COURT: Okay. February 19 at 9 o'clock it is.

7 MR. GRAHAM: Sure that wasn't 10 o'clock?

8 THE COURT: I'm sorry.

9 THE CLERK: 10 o'clock, yes.

10 THE COURT: 10 o'clock. All right. Mr. VerHey,  
11 anything else from the United States?

12 MR. VERHEY: No, thank you, Your Honor.

13 THE COURT: Mr. Graham, anything from you, sir?

14 MR. GRAHAM: No, Your Honor.

15 THE COURT: All right. We'll see everybody back  
16 here February 19, 10 o'clock. We're adjourned. Thank you.

17 (Proceedings concluded at 11:34 a.m.)  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I certify that the foregoing is a transcript from the Liberty Court Recording System digital recording of the proceedings in the above-entitled matter to the best of my ability.

/s/ Lauret J. Henry  
Lauret J. Henry, CSR, RPR  
U.S. District Court Reporter  
Kalamazoo, MI 49007